

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: San Francisco District

FILE NUMBER: 29021S

REGULATORY PROJECT MANAGER: Bob Smith **Date:** November 8, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** **N** **Date:**

At the project site (Y/N) **Y** **Date:** 11/3/04

PROJECT LOCATION INFORMATION:

State: California

County: Contra Costa

Center coordinates of site by latitude & longitude coordinates: 38-00-16.7639, 122-05-06.0727

Approximate size of site/property (including uplands) in acres: 10

Name of waterway or watershed: Pacheco Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?		X			
Is or would be used as habitat by other migratory birds that cross state lines?		X			

Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The steeply sloped project site is predominantly upland in nature. There are no surface drainages or depressional features. There is a single seep on the northern edge of the property near the top of the slope. The seep wetlands extend about 100 feet down slope then terminate. The seep is not associated with any obvious channel or swale, nor connected to a water of the US. The hydrology for the seep appears to come via subsurface flow from an isolated spring located uphill on the adjacent property. The seep is neither connected to, nor adjacent to a water of the US.